



CONSUMER CONNECTION

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

www.dca.ca.gov

**Will you be
burned? How
to chill identity
theft with
30 mins/\$30**

**Looks to die
for? Cosmetic
surgery risks**

**BAR'S best bust tales—
dead Vikings and
secret engines**



PEDICURE ALERT: Consumers are reminded that the safety alert regarding whirlpool spa chairs (also known as spa chairs or footspas) is still in effect. This follows recent additional outbreaks of infections among the patrons of beauty salons offering spa chairs as part of pedicure procedures. For more information call 1-800-952-5210 or visit www.barbercosmo.ca.gov.



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► **Consumer Connection is a publication of the Department of Consumer Affairs' Policy & Publications Development Office. If you have questions or comments, you can reach us at consumerconnection@dca.ca.gov.**



Welcome from the Director

Moves are a struggle for us all—packing, tracking, and rearranging our belongings, establishing new routines in a new place. It's hard for a household, but for a department, the task becomes monumental. Between December and early January, more than 1,000 employees and enough records and furnishings to fill 250,000 square feet of office space relocated from the DCA buildings at 4th and R streets to the two offices in North Natomas. And the committee, seven boards, six bureaus, five offices, and two programs had no chance to shut down. By staggering the moves, each entity was able to provide continuous service to its licensees and the public.

Yet, after the dust settled, you still wonder, "Did we make a good choice?" It seems we did, if nature is any judge, because mid-move we discovered that an Anna's Hummingbird, featured on our cover page, had opted for joint tenancy with DCA in the breezeway of 1625 North Market Boulevard. Why the creature chose to build a nest in such a public venue in December was a mystery. But any concerns about the bird and its pearl-sized eggs would have to wait behind DCA's pressing commitments.

And that meant hitting the ground running. Hence, on February 23, we hosted the second annual Identity Theft Summit at the Los Angeles Convention Center. The seminars were launched by Governor Schwarzenegger, who stressed the importance of teamwork on the part of local, state, and federal governments, law enforcement, prosecutors, business, higher education, and consumers to protect Californian's privacy and battle identity theft. It was particularly gratifying to see that the attendance at many of the educational workshop events was standing-room-only and to hear how valuable they were to participants.

Then, on March 2, DCA hosted the LifeSmarts State Championship in which high school student teams vied to prove who was tops in consumer knowledge. For the second straight year, the Centennial High School Huskies from Corona prevailed and will travel to Philadelphia in April to represent California in the finals sponsored by the National Consumers League.

All this activity leaves us little time to prepare for our first summit devoted to senior issues on May 12 at the Sacramento Convention Center, details of which appear later in this issue of Consumer Connection.

This is not to say that DCA is solely responsible for the hum of excitement at 1625 North Market Boulevard. In mid-February, our fellow tenant hatched two babies who graduated from flying school in early March. And this reminds me how proud we are to help protect the nest eggs of all Californians and how we wish them equal success.

Sincerely,

A handwritten signature in cursive script that reads "Charlene Zettel".

CHARLENE ZETTEL, DIRECTOR
Department of Consumer Affairs



Senior Summit 2006

BIG POPULATION CHANGES AMP UP FUTURE NEEDS

California's consumers are changing in a big way. For one thing, there will be more of them: By 2020, there will be 15.7 million more California consumers—a total of 14 percent of America's population. And, they'll be older. According to the California Department of Aging, the elderly population statewide is expected to grow at twice the rate of the total population. Author Julie Winokur calculates that, projecting to the year 2030, people over 60 will have the bulk of disposable income in America, and people over 65 will constitute one quarter of the U.S. population. This trend foresees a mid-century America in which, for the first time, 80 million seniors will outnumber young people.

To anticipate and prepare for the needs of this challenging new demographic, the Department of Consumer Affairs will hold its first summit about seniors on May 12, 2006, from 8:00 a.m. to 4:30 p.m. at the Sacramento Convention Center, 1400 J Street, in downtown Sacramento. Sponsored by Consumer Action, a non-profit consumer rights organization, the event, "Senior Summit 2006: Protecting and Serving California's Aging Population," will represent a collaboration by numerous government and private organizations, including the AARP, California Commission on Aging, California District Attorneys Association, California Department of Health Services, California County Welfare Director's Association, Federal Bureau of Investigation, Los Angeles District Attorneys Association, and the 2-1-1 Partnership.

Panel discussions will detail how state and local government are protecting senior consumers. The panels will feature

key policymakers, including Charlene Zettel, Director, California Department of Consumer Affairs; Wayne Strumpfer, Commissioner, California Department of Corporations; Sandra Shewry, Director, California Department of Health Services; Betty Malks, Santa Clara County Rapid Response Team; the Honorable Stephen Passalacqua, Sonoma County District Attorney; Margo Hamilton, C.A.R.E. Program, Riverside County; and Jeff Rose, Sacramento County Assistant Chief Deputy District Attorney.

Interactive workshops will focus on how resources will be allocated to fulfill the growing future needs of this new population. Topics of discussion will cover the following areas: education, media relations, and outreach for non-English speaking seniors, predatory lending, mortgage rescue schemes and equity stripping, privacy and identity theft, complaint mediation programs, one-stop shops, scams, how to check your health care provider's license, health insurance programs, elder financial abuse, conservatorships, and how to check a nursing home or long-term care facility.

While the public is invited to attend, the main purpose of the summit is to provide a networking opportunity for state and local consumer groups, first responders, community groups, and volunteers, with the goal of identifying existing programs and resources available for those dealing with senior consumers on a daily basis. To register, or for more information, please visit www.seniorssummit.ca.gov.

Consumer Connection Survey

Welcome to the Department of Consumer Affairs' *Consumer Connection* newsletter survey. If you have a few minutes, please take our online survey. Data from this survey will be used solely to improve future newsletters.

1) Did you find the information in our newsletter useful?

- ☐ Very useful
- ☐ Somewhat useful
- ☐ Neutral
- ☐ Not useful

Comments:

2) On a scale of 1–5, with 5 being the best, how would you rate the overall content of the newsletter?

1 2 3 4 5

Comments:

3) Identify the article(s) you found to be the most valuable.

**4) What topics would like to see covered in future issues?
(Select all that apply.)**

- ☐ Medical/health related
- ☐ Identity theft
- ☐ Auto repair
- ☐ Landlord/tenant issues
- ☐ Home repair scams
- ☐ Other:

5) How would you describe yourself?

- ☐ A media representative
- ☐ A legislator or legislative staff member
- ☐ A member of a consumer group
- ☐ A member of the general public
- ☐ A staff person from a District Attorneys Office
- ☐ A member of a Consumer-Based Organization (CBO)
- ☐ A staff person from a governmental agency
- ☐ A Department of Consumer Affairs employee
- ☐ Other:

6) Where are you located?

- ☐ Los Angeles area
- ☐ Orange County
- ☐ San Diego
- ☐ Riverside/San Bernardino
- ☐ Central Valley
- ☐ Bay Area
- ☐ Northern California
- ☐ Sacramento

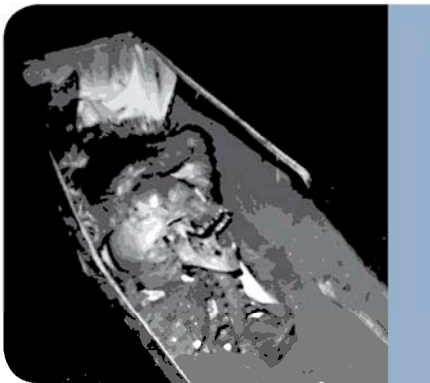
Thank you for taking the time to answer our survey. If you have any additional feedback about the *Consumer Connection*, please let us know.



When the Bureau of Automotive Repair's (BAR's) Joel Bilotta went out as part of an investigation to catch an outlaw motorcycle technician, he discovered more than just a bunch of repair invoices and motorcycle parts. He also found a skeleton in the closet—so to speak.

While looking for evidence in the shop, Bilotta saw a ladder leading to an overhead area. He climbed up to have a look around and saw a coffin lying amid some discarded motorcycle parts. "I opened the lid, and there was this skeleton inside," he explains, "It looked like...the skeleton [was] dressed up like a mascot of some kind. [It had] a

Rich Mundy, Deputy Director of BAR's Enforcement Program, says that BAR investigates fraudulent activities in two different areas: Automotive (including motorcycle) repair and the Smog Check Program. He says tips come from many different sources. "In the Smog Check Program, [tips come] more from our own proactive station



No Bones About It:

Nazi vest on it and a Viking hat on its skull. I took a couple of photographs [of it]," he says. "I knew when I went back to the office that no one would believe me."

BAR Chief Richard Ross, a former special agent with the FBI, says that although investigators turn up unusual things in the course of their work, Bilotta's skeleton leads the list. "That would be hard to top," he says. "A skeleton in a coffin would be hard to top in any line of work, frankly."

Bilotta's adventure began on a Friday afternoon in the spring of 1988, when two brothers walked into the Pleasant Hill BAR field office to ask for help. They had taken their motorcycles in for repair to a local establishment, and now, the owner was holding their bikes hostage. Bilotta, a Program Representative I at that time, says that the brothers told BAR representatives that the technician had threatened that if they didn't pay a large amount of money for the repairs, their bikes would be dismantled and hidden or sold for parts.

inspections or data analysis from the Smog Check stations. From the automotive repair side, the primary source is consumer allegations and the complaints they file with us as well as our research in looking at consumers' cars and determining whether or not there is something going on," he explains. Other sources in automotive repair include other repair facilities and insurance companies. Approximately 900 undercover runs were conducted in 2003–04 and 2004–05; this number accounts for investigations in both the automotive repair and smog check programs. These investigations resulted in an average of 300 licensing actions per year.

Bilotta says that the technician in his investigation was no stranger to BAR—customers had been filing complaints against him for his repair work for some time. The man claimed that he didn't need a license to repair motorcycles because he wasn't actually doing repairs at the shop. "Here this guy wasn't even supposed to be doing repairs, yet

he was holding [the bikes] hostage because he had done repairs,” Bilotta says.

An investigation was planned for the next morning, a Saturday. When Bilotta’s Field Supervisor called to get a search warrant, he found that the individual in question was popular with other agencies as well. According to Bilotta, the California Highway Patrol, the Department of Motor Vehicles, the Contra Costa Sheriff’s Department and the Contra Costa District Attorney’s Office—including the Narcotics Unit—wanted him for a number of other issues. “Let’s put it this way—he was known to law enforcement,” he says.

Ross says that BAR investigators don’t require search warrants for regulatory activities. However, this case was

up with an agency that was also involved in a criminal investigation, they needed a search warrant.”

Finding a judge to sign a search warrant late on a Friday afternoon, however, wasn’t so easy.

“We had to go to his house,” Bilotta explains. “The judge was not happy with us. He was working in his tomato garden—his wife directed us through the house and into the backyard. He was in his gardening clothes; I remember him saying ‘This better be good.’” The warrant was read and signed, and, the next morning, Bilotta, his supervisor, and representatives from the other agencies made their way to the shop, which was located in a rural area on the border between Pittsburgh and Antioch in the San Francisco Bay Area.

BAR’S Best Bust Tales



unique. “Joel’s involvement was in providing factual information that the other entities could include in their search warrant,” Ross explains. “Because he was pairing

The sworn officers entered the building first and, after they had secured the technician and an assortment of weapons, the BAR representatives entered the building.

“Basically, our part of the warrant was just for records,” Bilotta explains.

It was while looking for those records that Bilotta found the coffin. He laughs when asked what it felt like to open that lid and see what was inside. “I was in shock! Nobody told me about that in Program Representative training!”

The Coroner’s Office was called, and, as the BAR representatives were leaving, Bilotta says he saw members of the Narcotics Unit beginning their part of the search, tearing open the



Licensed repair facilities offer the sound judgement and sure hand of veteran mechanics like Harlan Hoyt of Harley Davidson of Sacramento.

(continued on page 8)

(continued from page 7)

furniture and breaking open the walls looking for evidence.

Shortly after the investigation was completed, Bilotta transferred from Pleasant Hill to BAR's Bakersfield office. He says he never found out whether the Coroner's Office was able to identify the victim or whether narcotics were found. However, he did know the technician was arrested



Ian Dempsey, Assistant Service Manager at Harley Davidson of Sacramento, points out two features of a good motorcycle repair shop: clearly posted prices and a list of consumer rights.

that day for possession of stolen firearms. And, he says, because of the paperwork that was found, BAR had a clear case against him. “We found dozens and dozens of invoices where he did work on customer’s motorcycles, so his refusal to become licensed was at odds with the evidence we found,” says Bilotta.

The bikes were recovered and released to their rightful owners. “It was an odd day, and we normally don’t work on Saturdays, but these guys were being threatened...and we were trying to accommodate a very real problem on their part,” Bilotta says.

Mundy says that undercover investigations occur when complaints against an individual or shop have a pattern that shows something is wrong but there is not enough proof to show wrongdoing. “We use regular consumers to act as customers,” he explains. These officers are usually sent to a business three times in order to establish a

pattern of misconduct. Cars taken in for repair are from BAR’s undercover fleet. The conditions of the cars are carefully documented and photographed before repair. This is done, he says, “In order to document whether the shop is misrepresenting the condition of the vehicle or billing for repairs that are not performed.”

Evidence collected in each investigation goes into a report, and if the report shows that the allegations against the technician or business are true, the report is sent to the Attorney General’s Office for disciplinary action against the licensee. Mundy says that when the nature of the fraud goes beyond general misconduct, the report may go to the District Attorney’s Office and a civil or criminal action may also be filed against the licensee.

The majority of disciplinary actions in the Smog Check Program involve something called “clean piping,” an operation in which individuals use a vehicle with passing emissions in the test but use the identity of another vehicle that may not pass smog. “They try lots of ways to get around the rules,” says Ross.

Mundy says the strangest item found during a smog check investigation was an engine disguised to look like part of a technician’s workbench system. Instead of using the exhaust from the car he was testing, he fed the smog analyzer the “clean” exhaust from his hidden engine. Initially investigators could not figure out how the individual was clean piping without a second car.

Still, after 18 years, Bilotta’s find tops the list.

Bilotta now works for BAR in Bakersfield as a Program Representative III Field Supervisor. And, he still has those pictures. “It makes an interesting photograph when you’re telling the story,” he says. “And a picture’s worth a thousand words.”

You can find out more about the various BAR programs at www.smogcheck.ca.gov or www.autorepair.ca.gov.

NEW YEAR INTRODUCES NEW PROTECTIONS FOR CALIFORNIA CONSUMERS

The new year brings with it additional protections for consumers, including used car buyers, homeowners, and those who use small claims courts, thanks to several new laws passed by the Legislature and signed into law by Governor Schwarzenegger. Among the most significant of these laws, which went into effect January 1, 2006, are:



AB 68 (Montañez) AUTO REPAIR - “The Car Buyer’s Bill of Rights.” This bill provides the buyer of a used car that has a purchase price of less than \$40,000 with the right to a contract cancellation option agreement. It also makes it a violation of the Vehicle Code for a dealer to advertise for sale or sell a used vehicle as “certified,” unless the vehicle meets certain specified standards. In addition, it requires dealers to notify buyers of the cash price and the financing cost of any extra items.

AB 316 (Nakanishi) CONTRACTORS - This bill unifies and clarifies the standard requirements for home improvement contracts and service and repair contracts, making them easier for both the contractor and consumer to understand and use. It clarifies that both types of contracts must have everything in writing, and that for both types of contracts the “Right to Cancel” clauses are triggered when the consumer receives his or her copy of the agreement.

SB 422 (Simitian)/AB 1459 (Canciamilla) SMALL CLAIMS COURT - These bills raise the jurisdictional limit for most individuals who sue in small claims court from \$5,000 to \$7,500. They also require, effective July 1, 2006, that each temporary judge take a court-offered course on small claims court procedures.



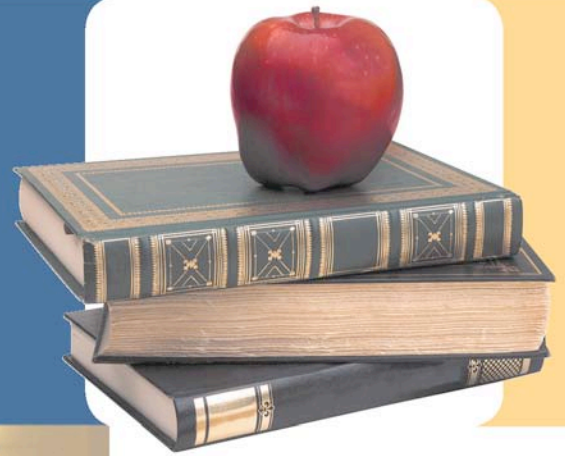
SB 581 (Figueroa) HEALTH CLUB CONTRACTS - This bill makes various changes to health club contract law. It changes the time frame in which consumers may cancel the contract and get a prorated refund, depending on the total amount of the contract. It also changes the amount a health studio may charge as part of the contract, and requires those facilities that have not yet opened to hold moneys received in trust.



SB 914 (Kehoe) ANIMAL CRUELTY - Prohibits the selling of puppies under eight weeks of age by anyone other than an animal sheltering agency, pet dealer, or rescue group without written approval from a licensed veterinarian.

In addition to these bills, Californians will see a number of new laws in 2006 designed to prevent identity theft. For information on these laws and other new laws, visit the Department of Consumer Affairs Web site and the Department’s latest Legislative Digest.

Teens Wise Up With LifeSmarts



Pictured above are the Centennial High School Huskies with Charlene Zettel after winning their second straight LifeSmarts California State Championship.

Heading for this year's national contest in Philadelphia April 22-25, the Huskies vow to better their 5th place finish last year.

If you never thought of teenagers as consumers, consider this: According to a nationwide survey conducted by Teenage Research Unlimited, teens account for approximately \$170 billion in consumer spending every year.

Unfortunately, the majority of young consumers are unaware of their rights. Statistics from a survey conducted by the Consumer Federation and the American Express Company made this lack of knowledge painfully clear. Only 18 percent of students surveyed knew the impact the annual percentage rate would have on a consumer loan, and only 33 percent knew that their obligations as a tenant included making all of the payments specified in their lease. Add the results of both surveys together and what do you get?

A need for teens to have access to the kind of knowledge they need to be smart, responsible consumers.

The kind of knowledge they can use to protect themselves from predators so they won't fall prey to rip-offs and consumer scams.

Enter LifeSmarts, a yearly national competition open to all students in the United States in grades nine through 12 in which students learn consumer survival skills in a fun and competitive manner.

LifeSmarts is the creation of the National Consumers League (NCL), a nonprofit organization that has been championing consumer's rights since 1899. "I think they just felt like they had to start getting in front of consumer problems," says Linda Hertzberg, LifeSmarts National Coordinator. "Their hope to do that was to educate young people so that they would have the information and knowledge that would help them from falling into consumer traps."

The first competition was held in 1994–95 as a four-state pilot program. The following year, 12 teams competed. Last year, the number of teams grew to 42. According to Erica Bautista, Outreach Coordinator in the Department of Consumer Affairs' Consumer Information Center, California teams began competing online in 2000–2001. Last year, California hosted its first State Championships in Sacramento, and the Nationals were held in San Francisco. California's team did very well in its first appearance at the Nationals—the team from Centennial High School in Corona placed in the top ten. "The LifeSmarts competition last year was a wonderful experience that surpassed our expectations," says Centennial coach Lee Lara. "The students don't realize how much they are learning about being a smart consumer because they're having too much fun." Lara says that going to the Nationals has other benefits as well. "LifeSmarts gives the students a chance to meet new people from around the country and see parts of the country they have never visited."

The competition starts online at www.lifesmarts.org. Questions for the competition focus on five areas of consumer knowledge: Personal Finance, Health and Safety, the Environment, Technology, and Consumer Rights and Responsibilities. Each team is required to have a coach, who registers his or her team via the Internet. Students are given time to study and practice, then they compete individually in the online competition by taking a series of three, 20-question quizzes. The two teams in each state that have the highest scores advance to the State Championships, where they compete in person and answer individual, team and Jeopardy-style, first-to-the-buzzer questions.

On March 2, the Centennial High School Huskies again prevailed, mauling the San Luis High School Wolves by a score of 610 to 230. Teams score points based on some 100 questions presented to individuals and teams over the four-hour contest. The Huskies will join the other teams that won state competitions at the Nationals, which will be held on April 22–25, 2006, in Philadelphia, Pennsylvania.

Travel expenses for teams competing in the Nationals are paid for courtesy of donations from national consumer groups, community-minded groups, associations, organizations, labor unions, and government agencies. Teams compete over several days and the competition format is the same as that of the state championships. The emcee for the national competition will be Seattle-based consumer reporter Herb Weisbaum, a.k.a. The Consumer Man. Weisbaum has his own consumer radio show and does national consumer reporting for NBC's Today Show and, according to Hertzberg, "The kids just love him."

This year, the competition will be even bigger and more competitive. According to Hertzberg, 11,600 students had already signed up for the online competition as of January 9, 2006, far surpassing the total of 9,341 students that competed online last year. Right now, Lara is busy getting his students ready for competition. "Our team has been studying and reviewing all year in hopes of returning to the finals again," he says.

Hertzberg says it's never too early to start good consumer habits. "I have a three-year-old, and she sees the McDonald's arches and she wants to go right now," she explains. "It only continues and gets bigger as the kids get older." Bautista is planning on picking up some consumer tips, too—this is her first year in the program. "It sounds fun; I'm really excited. [Students] can go into life knowing about finances and things I'm still learning about."





fter 25 years in the Air Force, making his way up to Senior Master Sergeant and security

police superintendent, Humberto Garcia works for the DCA. Serving among the Consumer Information Center's (CIC's) 42 agents for the past four years, Garcia is one of four who can help customers in English and Spanish and, sometimes, German, a language he learned while stationed in that country. In many ways, his duties at the CIC take him full circle back to his first job.

A migrant farm worker from Durango, Mexico, his mother was abandoned soon after giving birth to Yolanda. Humberto translated for his family as they followed the crops from Texas to Michigan. Now 65, Garcia recalls a less compassionate America back then. "It was common in those days to see signs saying: 'No Dogs or Mexicans Allowed.' There were no consumer departments to help people, no labor laws, at least that we knew about. So many times we had to sleep in stalls or chicken coops like animals. And when we were sick, there was no doctor. We went to the *curandera* (folk healer)."

In their travels, his family was constantly on the alert for people eager to take advantage



Career Runs Full Circle

for Consumer Information Center Agent

of their ignorance. Though missing on average three months of school per year, when time was available, Humberto studied hard to catch up. “I had a powerful motivation to learn English—to help my mom, protect my family. “

For many of his foreign speaking clients, Garcia finds their problems remain similar to those he once faced. “Many of them are migrant workers... they haven’t the time to sit down and learn about their community or educate themselves in the use of resources that we have in our country. I don’t think they have the time to get involved in that—they are too busy surviving. In the Hispanic community it is easy to find people who haven’t been exposed to high powered salesmen, for example. And people take advantage of that.”

The typical kinds of calls that Garcia handles can range from helping a client get a license in cosmetology to directing them to register a complaint with the Bureau of Automotive Repair. “And we work with them on how they can access and request mediation. All that is part of our business to serve them,” he said.

Besides Spanish, he also gets calls from people requesting assistance in Vietnamese or Russian. “Usually they know just enough English to ask ‘Do you speak Vietnamese or Chinese?’ That’s when I say ‘I’m sorry, please

hold on,’ and I dial the language line, language interpreters throughout California that we have access to. While you may take two or three minutes on a call with an English speaker, with a foreign speaker it takes more time.”

Along with language line calls, Garcia and his fellow agents service some 40,000 calls per month in up to 144 languages. If this is added to the automated services the CIC offers, such as ordering publications, it totals over 1,000,000 transactions per year.

Garcia concludes: “If people come to this country like my mother, not knowing very much English, they

feel more comfortable speaking to you in their language and are more open about telling you their problems or how they have been treated. That’s what we are here for. Working for the Department of Consumer Affairs, I feel very proud, especially in that we are able to help the foreign language speaking consumers of California.”

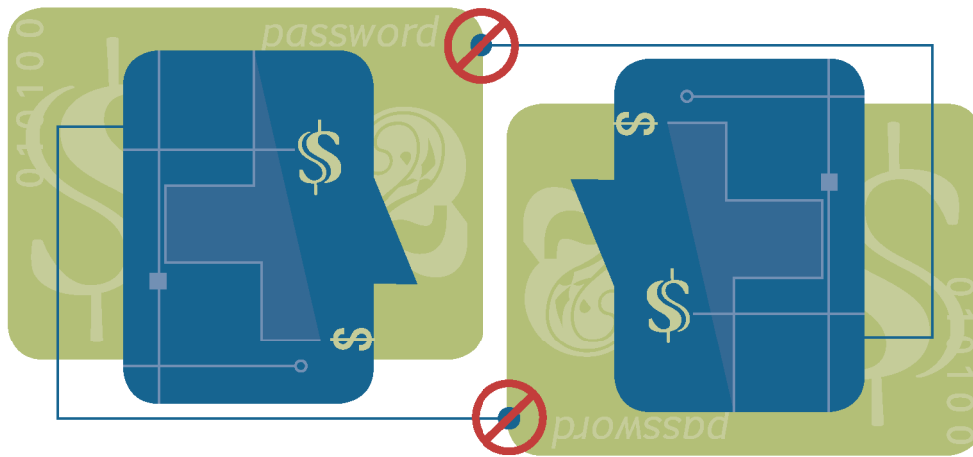
Contact the Consumer Information Center at:
1-800-952-5210
www.dca.ca.gov/cic



Pictured on opposite page from left: Alejandra, 12; David, 6; Yolanda, 3; Manuel 9; and Humberto, 8. Their hard life together prepared Humberto (above) for his later career helping others.

SAYING “No” TO “MY OTHER ME”:

Spending 30 minutes and about \$30 can give you real protection against identity theft.



By now, most of us know that we should shred our bills and bank records, guard our wallets, not respond to suspicious e-mails asking for our account numbers or passwords, and try to hold onto our Social Security numbers. Yet, we continue to learn of security breaches that put the personal information of thousands of people at risk, and the number of identity theft victims is fairly constant, at over nine million a year.

In fact, in spite of all our shredding, much of our most sensitive personal information—financial information, medical information, Social Security and driver license numbers—is not in our control. Our information resides in the databases of many different agencies and companies, including some with which we have little or no relationship.

You can take action. There are three things you can do in about 30 minutes and for just over \$30 that will give you real protection against many kinds of identity theft. ○

1. Freeze your credit files. Time: 15 minutes.

Cost: \$35.97.

This is probably the strongest protection you can have against new account identity theft, one of the most difficult kinds to recover from. Write to the three credit bureaus and tell them to freeze your files. Instructions and sample letters are in *Consumer Information Sheet 10: How to Freeze Your Credit Files*, at <http://www.privacy.ca.gov/cover/consumerinfo.htm>.

- Cost: \$35.97 (\$10 x 3 credit bureaus, \$5.97 postage)
- Time: 15 minutes using sample letters.

2. Call 1-888-5OPTOUT. Time: 5 minutes. Cost: \$0.

Mail thieves target pre-approved credit offers in your mailbox and use them to take out new credit in your name! Stop nearly all of these offers by calling 1-888-567-8688. Or, you can do it online at www.optoutprescreen.com.

- Cost: \$0
- Time: 5 minutes to make the call or fill out the online form.

3. Order your free credit reports. Time: 5-10 minutes. Cost: \$0.

Early detection is the best way to reduce the impact of identity theft. Check your credit reports regularly for signs of identity theft or other inaccuracies. To order your free annual credit reports, call 1-877-322-8228 or do it online at www.annualcreditreport.com. Instructions are in *Consumer Information Sheet 11: How to Order Your Free Annual Credit Reports*, at <http://www.privacy.ca.gov/consumerinfo.htm>.

- Cost: \$0
- Time: 5–10 minutes to make the call or fill out the online form.

For more information on identity theft protection and other privacy issues, contact the California Office of Privacy Protection at www.privacy.ca.gov or call 1-866-785-9663.

Looks To Die For?

The Uncertain Risks of Cosmetic Surgery and How to Avoid Dangerous Doctors

For Olivia Goldsmith, the chin tuck was a whim, an outpatient procedure taking less time than a manicure and perm. But when things went sour, the result wasn't just a bad hair day; it was a funeral.



Why she chose general instead of local anesthesia is not clear, but reportedly soon after going on the

table, she began convulsing, and later lapsed into a coma. Moved to Manhattan's Lenox Hill Hospital, Goldsmith faded as efforts to revive her failed. Three days later, Olivia Goldsmith, best selling author of *The First Wives Club* and four other novels, died. Had she been fully aware of the risks before seeking elective cosmetic surgery? Not likely. Why? As matters stand, no one is keeping precise records of mortality and morbidity resulting from cosmetic surgery. No one knows the risks.

Dr. Stephen Miller is President and CEO of the American Board of Medical Specialties, which regulates the boards that certify surgeons. He told the *Consumer Connection*:

"We don't have a lot of reliable statistics; we don't have good medical records that allow one doctor or one health care organization to talk to another, and this is true in virtually all the medical and surgical specialties, not just plastic surgery... We need two things: a national system of electronic records and a system for reporting complications that is accurate

and reliable so we can learn where there are problems and correct them. The technology is there, and I think as a profession we agree on the need, but there are several obstacles. One is money, but equally important is tort reform. Doctors need to feel secure about reporting surgical complications without worrying about it becoming the basis for a lawsuit."

Because the Federal government has left the regulation of medicine up to the individual states, Federal agencies such as the Centers for Disease Control do not keep records on cosmetic surgery. And, because most states, including California, must by law allow any licensed M.D. to perform cosmetic procedures, it's hard to know if a particular practitioner is qualified, especially among a mounting inventory of new treatments, including laser resurfacing, chemical peels, and injectable filler for body sculpting. In other words, it is difficult to track who is doing what, much less the chance of complications or worse.

In 2004, the same year as Olivia Goldsmith's surgical "adverse outcome," 9.2 million other Americans had cosmetic procedures at a total cost of \$8.4 billion. According to the American Society of Plastic Surgeons (ASPS) (www.Plasticsurgery.org/public_education/2004statistics.cfm), this was a 25% increase in cosmetic surgeries and procedures from the previous year. How many patients paid the ultimate price can only be estimated. Different sources estimate very different risks for various cosmetic procedures.

In a study to be published this May by the ASPS (www.Plasticsurgery.org/news_Room/Press), the

authors studied 400,000 procedures performed by ASPS-certified surgeons in accredited office-based outpatient surgery centers and determined that serious complications occurred in one out of 298 cases and death in one out of 51,459 cases.

Yet we find very different conclusions in a study written by Robert Yoho, M.D., Deborah O'Neil, Ph.D., and Mr. Jeremy Romaine for the International Journal of Cosmetic Surgery and Aesthetic Dermatology (www.dryoho.com/published/surgeryrisks). They begin their paper with the qualification: "The statistical discrepancies that exist in mortality and morbidity risk literature are such that surgeons and patients cannot accurately assess the true risk rates associated with plastic surgery procedures."

The study examined four cosmetic procedures—the tummy tuck (abdominoplasty), liposuction, breast implant (mammoplasty), and facelift (rhytidectomy). Analyzing data from a wide variety of sources, the authors estimated the mortality rate of the tummy tuck to range from one death per 3,281 procedures to as high as one mortality in 617. Deaths occurring from liposuction procedures ranged from one in 5,000 to one in 1,000 (especially for patients undergoing multiple procedures). Nonfatal outcomes for facelifts included nerve damage in one out of 14 procedures and hematoma (internal bleeding) in one out of 45. One out of 5,000 facelifts killed the patient. Data for breast implant mortality was especially difficult to acquire, but here the study estimated one patient in 6,000 to one in 3,000 died.

Applied to the number of procedures reported by the ASPS, the study

indicates 163 to 609 patients died on the operating table in 2004, and that from only four out of dozens of cosmetic procedures currently performed. This number doesn't include the number of cosmetic surgery patients who survived but were left severely handicapped or permanently disfigured.

And, there's good reason to assume that the mortality rates projected

...in most states ANY licensed M.D. may legally perform cosmetic procedures.

from the Yoho study are low because ASPS and three other ABMS specialties qualified to perform cosmetic surgery (otolaryngology [eye, ear, nose and throat], dermatology, and ophthalmology) represent only a portion of the total number of physicians performing cosmetic surgery. As previously mentioned, in most states ANY licensed M.D. may legally perform cosmetic procedures. This has led to the creation of perhaps dozens of boards operating outside the jurisdiction of the ABMS.

Dr. Kirk Van Rooyan is a member of the ASPS and reviews complaints about plastic surgeons for the Medical Board of California. He explained:

"These boards are set up by a group of individuals who have a desire to obtain recognition for whatever reason. There are...a large number of boards that have either 'facial' or 'plastic' or 'cosmetic surgery' in their title. For many, to belong

to them, get a certificate for your office...advertise (membership) in the yellow pages, newspapers, or on the Internet involves just filling out an application, paying a fee, and maybe taking a weekend or five day course in one of the different types of cosmetic surgery."

Because few of these boards record the volume of medical procedures performed by their members, and as their members are apt to be far less qualified than ABMS surgeons, it is fair to assume that complications and deaths resulting from surgical procedures in this group might double or triple those calculated from data supplied by the ASPS. In the end, it would be fair to say that each year more than a thousand Americans perish in the quest for a pretty face or appealing figure, and many thousands more suffer complications.

These negative outcomes are scarcely noted and rarely reported. No wonder that Americans continue to harbor frivolous if not wildly unrealistic attitudes about cosmetic surgery. The American Academy of Facial Plastic and Reconstructive Surgery reported in the results of their 2004 membership survey (AAFPRS.org) that 49% of their respondents cited "plastic surgery given as a gift" to be a growing trend. And how are patients using their gifts? A significant number asked the surgeon to alter their features to match those of their favorite celebrity. Brad Pitt topped the men's choices followed by George Clooney. Women favored Angelina Jolie and Nicole Kidman, themselves reportedly recipients of cosmetic procedures.

For many patients, the desire to appear more attractive and youthful may involve more necessity than

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narcissism. While age discrimination clearly violates Title VII of the Civil Rights Act of 1964, proving it is another matter. On employment sites such as Monster.com, it is common to find chat rooms where displaced workers, because of their age, despair about ever regaining employment in their field. Alarming, some are in their mid-thirties, especially those in computer-related professions.

And, many of us remember the 1983 case of *Christine Craft v. Metromedia*. Craft, a 39-year-old anchor for Kansas City KMBC was demoted from anchor to reporter because “she was too old and too unattractive...” Initially Craft won her case, but the verdict was overturned upon appeal. Currently, under Federal law it does not appear to be a violation of antidiscrimination law to hire on the basis of attractiveness or personal appearance.

All this obsessive attention to beauty and youthfulness has transformed cosmetic surgery into one of the most lucrative medical specialties. “People want to go into cosmetic surgery because it is an absolute goldmine,” says Laura Sweet, a Supervising Investigator for the Medical Board of California, part of the Department of Consumer Affairs. “We have people with backgrounds in, say, obstetrics and gynecology where they do C (Cesarean) sections, potential bladder procedures, things like that, and they’ll try to convert those skills... after taking just a short class.”

In her 14 years with the Medical Board, Sweet has seen her share of adverse outcomes. “Penile enhancement cases, extending or modifying the penis, that was a big thing in the early ‘90s. We had some

horrific cases there. Right now laser and lipo[suction] are the big trends,” she said.

“Unaccredited surgery centers were also a big problem that we had,” Sweet said. “We focused our enforcement attention on that issue because of some terrible outcomes, including death. In some situations, doctors were doing some major surgery under general anesthesia, and



they didn’t have the accouterments to resuscitate. One patient undergoing liposuction was improperly hydrated and ultimately bled to death in the physician’s house. This was a licensed physician who was operating in an unaccredited facility.”

For Van Rooyan, the biggest problem in cosmetic surgery today is physicians who lack the proper training or expertise.

“We’re talking about individuals who at the very worst have taken several three-to-five day courses about a

particular field or procedure, say liposuction or breast enlargement, to individuals who’ve had maybe one year of surgery or a couple of years of surgery residency, but no residency in plastic surgery per se, who are doing procedures or are representing to patients that they are qualified to do procedures beyond their expertise.”

Once a profession characterized as conservative and discreet, cosmetic surgery has become intensely competitive, leading to brash and glitzy promotion. Advertising, allowed by physicians since 1982 when the Federal Communications Commission sued the American Medical Association, has steadily devolved from glossy magazine to infomercial to Internet spam. Many cosmetic surgeons’ offices now resemble upscale spas, complete with coffee bars and a staff of “beautiful people” whose only function is to “close” patients on cosmetic procedures, including financing, not unlike a high pressure automobile dealership.

Today, it is easy to forget that cosmetic surgery has its roots in plastic restorative surgery that developed to give hope and a normal life to people born with deformities or disfigured by accident or disease. If these changes in the profession are disturbing for some patients, it has been equally distressing for some physicians. Speaking at the October 2005 convocation of the American College of Surgeons, President Dr. Kathryn Anderson lamented, “...loss of public confidence, and many other factors have combined to separate us from our patients and have made some of us question our own worth and humanity.”

“The problem with cosmetic surgery is not that I don’t believe in it

philosophically,” said Van Rooyan, who completed his plastic surgery residency in 1975 and was ASPS certified in 1977.

“But the reality of what it is and what it can do for people has been distorted by various sources like these extreme makeover shows. There’s been a lot of hype of these procedures, emphasis or overemphasis on youthfulness and attractiveness in our culture.

It’s not really what cosmetic surgery has done to society, it’s what society has done to cosmetic surgery; not that the medical profession hasn’t contributed to that, because it has to some degree. It’s become financially attractive to physicians, so physicians who aren’t properly trained have gotten into the field. There aren’t enough restrictions or regulations on who can do it, so safety has been compromised from the consumer standpoint.”

The growing peril in the practice of cosmetic surgery motivated Van Rooyan to limit his practice to reconstructive surgery and consult for the Medical Board. Also, he says, “I decided to make the transition in my career as I became uncomfortable with the...[trivialization of the discipline]...which cheapened the prestige of the field I was trained in.”

To help redeem his profession, Van Rooyan, like other ABMS board certified plastic surgeons, volunteers for groups like Interplast, Rotoplast, and Operation Smile. Without charge, these programs provide indigent clients in the developing world with surgery to correct birth defects and repair cosmetic damage and function from accident and disease.

Alert

For consumers considering plastic surgery or a cosmetic procedure, the *Consumer Connection* offers the following guidelines in selecting a physician:

- 1) Consulting with a licensed counselor or psychologist can help you determine if cosmetic surgery is in your long-term interests.
- 2) A thorough physical examination with your primary care physician will ascertain if you are a good medical candidate for surgery. Risk will be influenced by such factors as your age, general health, and any pre-existing conditions such as high blood pressure. General anesthesia carries more risk than other forms. Similarly, longer procedures and multiple procedures increase the possibility of complications or adverse reactions.
- 3) If you decide on a procedure, is your physician certified by one of the four boards qualified to perform plastic surgery by the American Board of Medical Specialties? These are the Boards of Plastic Surgery, Otolaryngology, Dermatology, and Ophthalmology.
- 4) What is your physician’s training? Where and when did he/she complete his/her residency and in what specialty? How many times has he/she performed the procedure? What were the results? Were there adverse reactions? What kinds of complications were there?
- 5) How long will it take you to recover? What kind of pain or discomfort can you expect?
- 6) Does your physician have hospital privileges in the procedure you want? This means she/he will have had to present her/his credentials to a committee of board certified specialists who evaluated her/his competence in that type of surgery or procedure.
- 7) If the surgery is to be done at an outpatient facility, a clinic or his/her office, who accredits the facility? In California, all outpatient surgery facilities must be accredited by the Medical Board of California or California Department of Health Services (www.caldocinfo.ca.gov or www.dhs.ca.gov). A certificate of current accreditation must also be available and/or posted on site.
- 8) Has he/she ever had his/her license revoked or been disciplined by the Medical Board of California? You may corroborate this by looking up the physician at www.caldocinfo.ca.gov.
- 9) Has she/he ever been sued? You can cross-check this through commercial indexes on the Internet.
- 10) If he/she has a “before and after” book of photos in his/her office, are they his/her patients? (Medical equipment manufacturers routinely provide doctors’ offices with “before and after” books featuring ideal outcomes.)
- 11) Is she/he willing to let you talk with patients who have been through the procedure? (This shouldn’t violate the previous patient’s privacy if the physician provides your phone number to them.)

Should the physician not cooperate to your satisfaction, just walk away. Good surgeons have worked hard for their qualifications and are proud of their practice. They will be happy to share these details with you.

Phoney “Phishers” to Shady Charities:

How Seniors Can Fight Back

“Scambuster Kit” for California Seniors

California’s senior citizens have worked throughout their lives to help make our state prosperous while saving up a “nest egg” so they can enjoy their retirement years. It’s unfortunate that scammers and thieves may target seniors, tempt them with bogus offers, or try to steal their hard-earned savings.

The California Department of Consumer Affairs (DCA) has prepared a “Senior Scambuster Kit” to provide aging Californians with tips and resources that can help them say “no thanks” to scamsters and “no deal” to dishonest dealers.

“Scam artists may think of senior citizens as targets of opportunity,” says DCA Director Charlene Zettel. “We want to give seniors the information and tools they need to recognize potential rip-offs, ask the right questions, and fend off fraud.”

“Seniors should never feel obligated to respond to high-pressure sales tactics or offers that sound just too good to be true,” Zettel cautions.

Seniors can find the kit online at DCA’s Web site, www.consumer.ca.gov, or they can call DCA’s toll-free consumer hotline at (800) 952-5210 if they’d like to ask a consumer assistance specialist for information. The following paragraphs describe several scams that snare seniors and provide



links to resources on how they can protect themselves from scams:

- **Fight Phony “Phishers” and Other Identity Thieves:** You may get a call from an “inspector” or “officer” of a bank who asks you to help catch a criminal by confirming your account or credit card number or by withdrawing money. Or you may get an e-mail telling you to confirm your account information. The e-mail looks like it’s from your bank and sends you to a Web site that looks like your bank’s. **Don’t take the bait!** Never give out your account or password information unless you made the call or went to the company’s secure Web site yourself. Legitimate companies will never ask for such information by phone or e-mail. Visit the **Office of Privacy Protection** Web site at www.privacyprotection.ca.gov for more tips.
- **Check Out Charities Before You Give:** You receive a phone call seeking donations for a charity. The caller sounds sincere, and the cause seems worthy, BUT you’ve never heard of the organization. It’s best to ask that the information be mailed to you so you can research the charity before you decide. If the caller refuses, **don’t donate**, simply hang up. Above all, don’t give out your credit card or bank account number! Be wary; these charlatans also use names similar to those of reputable charities. To check on a charity and for tips on giving wisely, call the California Attorney General toll-free at (800) 952-5225 (in California) or go to www.ag.ca.gov/charities. Check with your local Better Business Bureau (BBB) before donating to any charity, and review their “Tips for Charitable Giving” on BBB’s Wise Giving Alliance Web site: www.give.org.
- **Disconnect From Telemarketers:** If you are tired of receiving telemarketing calls, you can help pull the plug by registering your number with the **National Do Not Call Registry**. For more details on your rights and how to avoid telemarketing scams, see the Department of Consumer Affairs’ *Basic Facts About Telemarketing* consumer guide.
- **Avoid Contractor Capers:** You are falsely told that your roof needs replacing at a cost of thousands of dollars. Or, workers just “happen” to be

in your area with some leftover paving material from “a job down the street.” Or, someone drops by and offers to trim your trees for a bargain price. Don’t fall for it! These scams usually result in substandard work from unlicensed contractors who disappear after they get your money. Call the Contractors State License Board at (800) 321-2752 for a copy of *What You Should Know Before Hiring a Contractor* or visit the Board’s Web site at www.cslb.ca.gov.

- **Bypass Bogus Sweepstakes:** If you receive a letter, e-mail, or phone call implying that you’ve won a sweepstakes, **be careful**. Some con artists use the lure of a big sweepstakes prize to convince unsuspecting consumers to send in money to claim a “prize” they’ve won. Sometimes, the con artists tell consumers they need to pay a fee to cover the taxes or service charges on their winnings. Most of the time, the prize is just a scam. The newest version of this scam involves crooks who use the names of government agencies and legitimate phone numbers to deceive consumers. Visit the **Federal Trade Commission** Web site at www.consumer.gov/idtheft for a *Consumer Alert* with tips on how to avoid bogus sweepstakes scams.

California Department of Consumer Affairs’ Resources for Seniors

- The California Department of Consumer Affairs is a one-stop shop for Californians looking to perform a license “checkup” on a doctor, dentist, nurse, or scores of other health care professionals. The Department and its affiliated boards and bureaus license more than 800,000 health care professionals in more than 35 fields, professions from nearly “A” to “Z”—that treat patients literally from head to toe. To give your health care provider a license checkup, go to the Department’s online **License and Complaint History** link at www.dca.ca.gov. If you don’t have Web access, call (800) 952-5210.
- Our **Hearing Aid Dispensers Bureau** can help you find a licensed dispenser and provides consumer tips on purchasing hearing aids, hearing loss symptoms, understanding audiograms, warranties, and the online or mail-order purchase of hearing aids.

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(continued from page 21)

- The death of a loved one is undoubtedly the most traumatic experience any of us will ever encounter. Our **Cemetery and Funeral Bureau** and its *Consumer Guide to Funeral and Cemetery Purchases* have information that can help you ask the right questions, compare prices and services, and make informed decisions.
- Make sure you only do business with licensed cosmetologists, barbers, salons, and barbershops by checking with the **Board of Barbering and Cosmetology**. See the Board's fact sheet on in-home services. These services are available for consumers whose illness or other physical or mental incapacitation prevents them

from visiting a licensed salon or barbershop.

- Doctors of Podiatric Medicine are specialists in the foot and ankle. Many DPMs specialize in the care and preservation of diabetic feet. The **Board of Podiatric Medicine** is the Medical Board unit that licenses these professionals and provides related information for consumers.
- The **Board of Pharmacy** licenses pharmacists and has helpful information on how to lower your drug costs and other consumer tips.

Additional Scam-Busting Resources: AARP Web Site Scams Page—Tips and resources on a variety of scams

targeting aging Americans, including credit card fraud, door-to-door sales, Nigerian money scams, dishonest telemarketers, travel fraud, and work-at-home scams.

Federal Trade Commission Consumer Information—The nation's top consumer protection agency offers a variety of educational resources to help consumers protect themselves from fraud, scams, and rip-offs.

Better Business Bureau—If you need assistance resolving a dispute with a business or checking on a company's consumer complaint track record, the Better Business Bureau can be a great resource. The Bureau also offers tips on a variety of consumer topics.



Small Claims Court: Everything You Wanted to Know

The Department of Consumer Affairs' first new publication of 2006 is titled *Consumer Law Sourcebook: Small Claims Court Laws & Procedures*. Hot off the presses, this 684-page reference book is a revision of Volume 1 of the 1996 printing. The book, written by Albert Y. Balingit, Richard A. Elbrecht, and John C. Lamb of DCA's Legal Affairs Division, is a resource for small claims court judges, court commissioners, small claims advisers, court clerks, and others who handle small claims issues. Copies of the book are available for \$40 each, which includes shipping and handling charges. To order your copy, go to www.dca.ca.gov/legal/small_claims/order_form.pdf and print out an order form. Once you have filled it out, mail the form and a check or money order for the total amount to the following address:

Consumer Law Sourcebook: Small Claims Court Laws & Procedures
Department of Consumer Affairs
P.O. Box 989004
West Sacramento, CA 95798-0004

Department of Consumer Affairs

Outreach Calendar

may

- 6 Mojave Desert Air Quality Management District Clean Air Fair**
Will showcase companies and products that improve and protect air quality.
Sponsor: Mojave Desert AQMD
Location: Victorville
Phone: (760) 245-1661 ext. 6717
Web site: www.mdaqmd.ca.gov/cre/documents/cre_flyers/CAFflr06.pdf

- 6 ROP Troubleshooting**
Automotive troubleshooting contest for vocational students.
Sponsor: Shasta College
Location: Redding, CA
Phone: (530) 225-4600
Web site: www.shastacollege.edu/

- 12 Department of Consumer Affairs Senior Summit**
Local, State, and Federal agencies will discuss problems facing senior consumers.
Sponsor: DCA
Location: Sacramento Convention Center
Web site: www.seniorsummit.ca.gov

- 20-22 Castroville Artichoke Festival**
DCA staff will answer questions and distribute publications.
Sponsor: Ocean Mist
Location: Castroville
Phone: (831) 633-2465
E-mail: Info@artichoke-festival.org

- 25-29 Sacramento County Fair**
DCA staff will answer questions and distribute publications.
Sponsor: Sacramento County
Location: Cal Expo, Sacramento
Phone: (916) 263-2975
Web site: www.sacfair.com/html
E-mail: info@sacfair.com

june

- 1 Los Angeles Police Department Traffic Safety**
DCA staff will answer questions and distribute publications.
Sponsor: LAPD Valley Traffic Division
Location: Woodland Hills
Phone: (818) 838-9465
Web site: www.lapdonline.org/valley_bureau

- 6 Valley CAN Business Expo**
DCA staff will answer questions and distribute publications.
Sponsor: Valley CAN Business Expo
Location: Fresno
Phone: (800) 806-2004
Web site: www.valley-can.org
E-mail: info@valley-can.org

- 15 Senior Fraud Fest 2**
Consumer protection and fraud awareness event for senior investors.
Sponsor: California Department of Corporations
Location: Laguna Woods Village, 23822 Avenida Sevilla, Laguna Woods, CA 92367
Phone: (866) 275-2677
Web site: www.corp.ca.gov/outreach/saif/events/scal.htm



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